

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ABEL MISGHINA-FITWI,)	
Petitioner,)	
)	
v.)	Civil Action No.
)	20-cv-10552-NMG
SUPERINTENDENT ANTONE MONIZ,)	
Respondent.)	
_____)	

ORDER OF SERVICE

GORTON, J.

Immigration detainee Abel Misghina-Fitwi, who is confined at Plymouth County Correctional Facility, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and paid the filing fee. Misghina-Fitwi represents that his removal order became final more than six months ago and that his removal to Eritrea is not reasonably foreseeable. Misghina-Fitwi names three respondents: Joseph D. McDonald, Jr., Sheriff of Plymouth County; Antone Moniz, Superintendent of the Plymouth County Correctional Facility; and, Chad Wolf, Acting Secretary of Homeland Security.

Upon review of the petition, the Court hereby orders:

ACCORDINGLY:

1. Antone Moniz, Superintendent of the Plymouth County Correctional Facility, shall be the sole respondent. See Rumsfeld v. Padilla, 542 U.S. 426, 439 (2004) (immediate


custodian of petitioner is proper respondent in habeas action); Vasquez v. Reno, 233 F.3d 688, 696 (1st Cir. 2000) (same, as applied to immigration detainee). The other respondents shall be dismissed without prejudice.

2. The Clerk of this Court shall serve a copy of the petition upon Superintendent Moniz and the United States Attorney for the District of Massachusetts.

3. The respondent shall, within 7 days of the date of this order, show good cause why the petition should not be granted.

4. In order to give the Court time to consider the matter, unless otherwise ordered by the Court, the petitioner shall not be moved outside the District of Massachusetts without providing the Court 48 hours' advance notice of the move and the reason therefor. Any such 48-hour notice period shall commence at the date and time such notice is filed and expire 48 hours later, except "[i]f the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday." Fed. R. Civ. P. 6(a)(2)(C).

So ordered.


Nathaniel M. Gorton
United States District Judge

Dated: 03/20/20